

**REMARKS**

The Office Action of February 22, 2008 has been reviewed and the comments therein carefully considered. This application has now been amended. Specifically, claims 9, 11, and 14-16 have been amended to clarify that the foam layer is composed of an expanded foam material. Additionally, claim 12 has been amended to clarify that the resin plate which is pressed to the outer side of the label removably contacts the foam layer. Support for these amendments can be found throughout the specification, drawings, and claims as filed, such as on page 8 and in Fig. 7, respectively, of the originally-filed specification, and thus no new matter has been added. Finally, the specification has been amended to correct minor typographical errors as requested in the Office Action.

Claims 9-16 are pending in this application. Claims 9, 11, 15 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kobayashi et al. (U.S. Patent No. 6,399,189). Further, claims 10 and 14 stand rejected under 35 U.S.C. § 103(a) for obviousness over Kobayashi in view of Junichi (Japanese Pub. No. 08-076690). Finally, claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) for obviousness over Sakai et al. (U.S. Pat. No. 5,725,940) in view of Junichi. Applicant respectfully traverses each of these rejections.

Kobayashi is directed to a sheet-form structure (1) composed of a foamable thermoplastic resin material of expandable thermoplastic granules (2). The granules are planarly arranged in a generally uniform fashion in the sheet-form structure in order to control the thickness, weight, and surface smoothness of the structure once expanded (Kobayashi, col. 13, line 62 through col. 14, line 4). The sheet-form structure is connected to a thin film (3) of expandable thermoplastic resin which acts to connect the individual granules of the sheet-form structure to one another (col. 14, lines 38-42).

In Kobayashi, the sheet-form structure is manufactured by mixing the resin, blowing agent, and other additives in an extruder at a temperature below the decomposition temperature of the blowing agent and subsequently extruding the resin into a sheet form (col. 18, lines 17-26). The expandable resin sheet is then fed between the shaping rolls (13, 14) while still in the softened state (col. 18, lines 26-28). The recesses in the shaping rolls correspond to the space between the granules and form pillar-like projections in the sheet

Application No. 10/533,220  
Paper Dated: May 20, 2008  
In Reply to USPTO Correspondence of February 22, 2008  
Attorney Docket No. 4605-051180

form structure (col. 18, lines 28-36). A foamed, or expanded, thermoplastic sheet can then be formed by foaming the sheet-like structure of expandable thermoplastic (col. 19, lines 9-15). The thin film (3) which connects the granules is also expanded after formation of the pillar-like projections. However, the film is too thin to fully expand and is thus characterized by Kobayashi as a “slightly-expanded layer” (col. 19, lines 39-45).

Applicant’s invention, on the other hand, is directed to a label, such as those attached to the body of a container, comprising a foam sheet having an expanded foam layer in which the outer side of the label has linear depressions which are formed by pressing the foam sheet. The linear depressions are thus formed on the label only after the resin material has been expanded.

In the Office Action it is contended that Kobayashi discloses every limitation in claims 9, 11, 15 and 16. However, in light of the foregoing discussion, Applicant respectfully disagrees. For instance, the pillar-like structures in Kobayashi are formed by pressing a pre-expanded resin sheet. To the contrary, claims 9, 11 and 15 recite that the label has linear depressions formed by pressing the foamed sheet, and claim 16 includes the step of pressing the inner side of a label comprised of foam sheet to form linear protrusions on an outer side. With respect to each of these claims, Applicant’s invention is distinguishable from Kobayashi because Kobayashi fails to teach or suggest that the pillar-like projections are formed after the expandable resin has undergone expansion.

Because Kobayashi fails to teach or suggest forming linear depressions in a foamed sheet after expansion, claims 9, 11, 15 and 16 are patentable over this reference.

As for the rejections of claims 10 and 14, Junichi is cited as teaching a heat sensitive adhesive layer, which Kobayashi admittedly doesn’t disclose. However, claim 10, which depends from claim 9, recites a label which has linear depressions formed by pressing a foamed sheet after expansion of the expandable resin. As discussed above, this limitation is not taught or suggested by Kobayashi where the pillar-like protrusions are formed prior to expansion of the expandable thermoplastic resin. Additionally, claim 14 recites a method of producing a label including the step of pressing a label formed of foamed layers to produce linear depressions thereon. Kobayashi’s method of producing the sheet form taught therein is limited to forming pillar-like projections prior to expansion of the thermoplastic foam. Neither of these deficiencies in Kobayashi is cured by the teachings of Junichi.

As mentioned above, claims 12 and 13 stand rejected for obviousness over Sakai in view of Junichi. Claim 12 is directed to a method of manufacturing labels comprising the steps of providing a label made of a foam sheet having a foam layer and pressing the outer side of the label with a resin plate having linear protrusions to produce linear depressions on the outer side of the label. After pressing is complete, the resin plate is removed from the label. Claim 13 depends from claim 12 and further comprises providing an embossed portion on the outer side of the label and an adhesive layer on the inner side of the label.

Sakai, on the other hand, is directed to a composite molded article and method of producing the same. The molded article includes a core material of foamed resin and multiple multilayer boards composed of fiber-reinforced resin permanently attached to the core material to create a composite material (Sakai, Abstract).

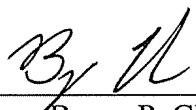
Sakai is clearly distinguishable from claims 12 and 13. Claim 12 recites that the resin plate (which, according to the Office Action, is analogous to the multilayer board in Sakai) removably contacts the label to produce the linear depressions. In Sakai, however, the multilayer boards (11, 12) are permanently attached to the core material by, for example, gluing (Abstract). This distinction is further evidenced by the fact that the multilayer boards of Sakai are intended to act to strengthen and reinforce the core resin layer while the resin plate of claims 12 and 13 is intended primarily to create linear depressions in the label, which make the label easier to hold.

Junichi, discussed above, is again cited as teaching the inclusion of a thermosensitive adhesive layer which is admittedly not disclosed by Sakai. Junichi is also cited as teaching the manufacturing of multiple labels. However, neither of these teachings is pertinent to the differences between Sakai and Applicant's invention described above. Specifically, there is no indication that one skilled in the art reading Junichi would find it obvious to modify Sakai so that the multilayer boards removably contact the label. Thus, the combined teachings of Sakai and Junichi do not render obvious the inventions recited in claims 12 and 13.

Application No. 10/533,220  
Paper Dated: May 20, 2008  
In Reply to USPTO Correspondence of February 22, 2008  
Attorney Docket No. 4605-051180

For all of the foregoing reasons, Applicant submits that claims 9-16, as amended, are patentable over the cited documents and are in condition for allowance. Reconsideration of the rejections and allowance of pending claims 9-16 are respectfully requested.

Respectfully submitted,  
THE WEBB LAW FIRM

By   
\_\_\_\_\_  
Bryan P. Clark

Registration No. 60,465  
Attorney for Applicant  
436 Seventh Avenue  
700 Koppers Building  
Pittsburgh, PA 15219  
Telephone: (412) 471-8815  
Facsimile: (412) 471-4094  
E-mail: webblaw@webblaw.com